REMARKS

Status of Claims

Claims 1-37 are pending in this reissue application. No claim has been cancelled.

Oath

A supplemental oath has been sent to the inventors and will be filed as soon as possible.

Amendments to Claims

Claim 25 has been amended to delete "at least." This amendment is supported by the specification's teaching of two chambers, which necessarily includes "at least" a first chamber. The amendment is being made for clarity, it being understood that the claim is a comprising claim that contains no limit on the number chambers. Claim 25 has further been amended to clarify the recitations in the final paragraph. This paragraph is presented under 35 USC 112, sixth paragraph, and should be construed to read on the disclosed access ports, which allow sterile transfer of fluids to or from the chambers, and equivalents. This amendment is clearly supported by the specification, e.g., column 3, at lines 50+.

Claim 28 has been amended by substituting the adjective "sterile" for "to maintain sterility." This is mostly for stylistic reasons and is supported by the specification at column 3, lines 50+. Claim 28 has also been amended by adding "said centrifuge comprises a locking element that selectively holds said container in said predetermined orientation" to recite a generic locking element. A locking plate 36 is disclosed in the specification, and this is adequate to disclose to one of ordinary skill in the art a generic locking element.

Claim 30 has been amended by replacing "further comprising" with "wherein said locking element comprises" to be consistent with claim 28. A locking plate 36 is disclosed in the specification.

Claim 32 has been amended by replacing "further comprising" with "said locking element comprises" and to add "movable locking" before "plate" to be consistent with claim 28. The locking plate 36 is clearly disclosed.

Claim 33 has been amended by reciting that the bridge is located at "top portions of" two chambers and to amend the recitation of access ports to provide that they are located near the tops of the chambers.

Rejections

The interview with Examiner Cooley on August 19, 2003, is noted. At the interview the earlier rejections of the prior art citations to McFarland, Crippa, and Onishi, and reconsideration of the rejections is again respectfully requested.

The reference to McFarland has nothing to do with the claimed invention and certainly does not show a container as claimed, which has a bridge connecting top portions of chambers to allow transfer of fluids between the chamber while also providing for sterile access to the upper parts of the chambers. McFarland shows a storage tank where fluids are introduced into the bottom parts of individual chambers and removed from those bottom parts. The upper parts receive air for forcing the fluids from the lower parts of the chambers. A connecting tube 32 allows air in one tube to pass to another of the tubes, and even if one could argue that this is a bridge (which it is not) there is certainly no teaching of the means for sterile transfer recited in claim 25 or the access ports recited in claim 33. Fluids in the McFarland device are only removed from the bottoms of the chambers and any removal from the top would require disassembly, which would destroy sterility. Further, no modification of McFarland to obtain the claimed invention would have been obvious to one of ordinary skill in the art mostly because McFarland is simply a storage tank, and any such modification would ruin it for its intended purposes. There is clearly no motivation to modify the McFarland storage tank to provide the claimed container.

Similarly, nothing in Crippa nor Onishi would have led one of ordinary skill in the art to the invention. These containers are not designed to maintain sterility, and any addition or removal of fluids destroys sterility because the lids must be removed during the process. This contrasts significantly with the claimed subject matter where ports are provided for permitting sterile access to the chambers.

Accordingly, it is submitted that this application is in condition for allowance, and an early indication thereof is respectfully requested. The examiner is invited to contact the undersigned if any matter remains outstanding.

All necessary extensions of time are requested. Please charge any necessary fees and credit any excess to deposit account 50-1088.

Respectfully Submitted,
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MARKED UP CLAIM AMENDMENTS

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25. (Four times Amended) A container comprising:

[at least] a first sterile chamber having a first top portion, a first bottom portion and a first set of walls;

a second sterile chamber adjacent said first sterile chamber and having a second top portion adjacent said first top portion, a second bottom portion and a second set of walls;

a bridge connecting said first top portion of the first chamber and said second top portion of the second chamber, such that a liquid can be transferred from the first chamber to the second chamber while the container is positioned at a predetermined angle, and

means for **sterile transfer of a liquid to or from at least one of said chambers independently of the other of said chambers and located near the top of at least one of said chambers** [maintaining sterility of said first and second chambers during addition or removal of liquids to said chambers].

28. (Twice Amended) A system for treating physiological products and maintaining sterility of said products during said treating comprising:

a container having a plurality of closed, sterile fluid-receiving chambers, a bridge forming a fluid path allowing fluid communication between a first of said chambers and a second of said chambers when said container is in a predetermined orientation, and at least one access port allowing **sterile**

access to at least one of said chambers [to maintain sterility], and

a centrifuge having a holder removably receiving said container and allowing said container to assume a first orientation wherein a physiological product in one of said chambers is subjected to centrifugation and said predetermined orientation wherein fluid in said first of said chambers flows along said fluid path to said second of said chambers **and said centrifuge comprises a locking element that selectively holds said container in said predetermined orientation**.

30. (Twice Amended) A system according to claim 28 [further comprising] **wherein said locking element comprises** a movable locking plate that is movable between free and locking positions, wherein said plate allows said container to assume said first orientation when in said free position and holds said container in said predetermined position when in said locking position.

32. (Thrice Amended) A system according to claim 28 wherein said holder comprises a frame pivotally mounted to a rotor of said centrifuge, and [further comprising] **said locking element comprises** a movable locking plate that is movable between free and locking positions, wherein said **movable locking** plate engages said frame to allow said container to assume said first orientation when in said free position and to hold said container in said predetermined position when in said locking position.

33. (Twice Amended) A container comprising a base forming a plurality of sterile chambers, each of said

chambers having a bottom and a top, a bridge connecting **top portions of** at least two of said chambers and arranged to provide a sterile fluid channel from a first of said at least two sterile chambers to a second of said at least two sterile chambers when said container is in a predetermined orientation, a lid closing said top of each of said plurality of chambers, and **an access port near the top of at least one of said chambers that allows sterile transfer of a liquid to or from said at least one of said chambers independently of the other of said chambers** [access ports that provide access to the chambers while maintaining sterility].